

## FINDING OF EMERGENCY

These regulations are being implemented on an emergency basis for the immediate preservation of the public peace, health and safety or general welfare, within the meaning of Government Code section 11346.1. Further, Government Code section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law, the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to the Office of Administrative Law (OAL), OAL shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6. To determine the OAL five day comment period, check <http://www.oal.ca.gov/> often.

## DESCRIPTION OF SPECIFIC FACTS WHICH CONSTITUTE THE EMERGENCY

1. The Legislature enacted and the Governor signed Assembly Bill (AB) 74 (Chapter 21, Statutes of 2013), which made substantial changes to the California Work Opportunity and Responsibility to Kids (CalWORKs) Welfare-to-Work Program requirements. These proposed regulations amend welfare-to-work regulations to comply with AB 74 by adopting expanded subsidized employment as a permitted welfare-to-work activity distinct from other forms of subsidized employment, implementing a more comprehensive appraisal and early engagement process for welfare-to-work participation, and adopting the Family Stabilization Program to assist clients in crisis.
2. Delay in the implementation of these regulations would conflict with the statutory directive found in Section 49 of AB 74 that emergency regulations be adopted:

(a) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement and administer the changes made pursuant to Sections 319.2, 319.3, 361.2, 626, 727, 11155, 11265, 11265.1, 11265.2, 11265.3, 11265.4, 11320.1, 11322.63, 11322.64, 11322.85, 11323.25, 11325.2, 11325.21, 11325.22, 11325.24, 11325.5, 11450, 11450.12, 11450.13, 16010.8, 18901.2, and 18910 of the Welfare and Institutions Code, as amended or added by this act, through all-county letters or similar instructions from the director until regulations are adopted. The department shall adopt emergency regulations implementing these provisions no later than July 1, 2015. The State Department of Social Services may readopt any emergency regulation authorized by this section that is the same as, or substantially equivalent to, any emergency regulation previously adopted under this section.

(b) The initial adoption of regulations pursuant to this section and one readoption of emergency regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare. Initial emergency regulations and the one readoption of emergency regulations authorized by this section shall be exempt from review by the Office of Administrative Law. The

initial emergency regulations and the one readoption of emergency regulations authorized by this section shall be submitted to the Office of Administrative Law for filing with the Secretary of State and each shall remain in effect for no more than 180 days, by which time final regulations shall be adopted.

3. These emergency regulations will ensure that the counties are providing current CalWORKs Program's guidelines and requirements to program participants as mandated by AB 74.
4. Therefore, in order to preserve the public peace, health, safety and general welfare of the State of California, these regulations are to be adopted on an emergency basis.
5. As permitted in Section 49 of AB 74, the department is readopting the original emergency regulations to allow additional time to complete the regulatory process. Testimony was received during the 45-day comment period which ended on September 2, 2015. A few changes are being proposed to the emergency regulations as a result of the testimony received and the Department is in the process of renoticing the regulations as required in the Administrative Procedure Act.

#### INFORMATIVE DIGEST

AB 74 made substantial changes to the CalWORKs Welfare-to-Work Program requirements that were effective January 1, 2014. The CalWORKs Welfare-to-Work Program is the employment and training component of CalWORKs which is funded, in part, by the federal Temporary Assistance for Needy Families (TANF) block grant.

Federal welfare reform enacted the TANF Program through the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) in 1996, limiting federally-funded cash aid to adult recipients to a total of five years. The intent of the Welfare-to-Work Program is to provide employment and training services to the maximum possible number of individuals within the adult CalWORKs population to aid them in achieving economic self-sufficiency within this timeframe.

These proposed regulations amend welfare-to-work regulations to comply with AB 74 by adopting expanded subsidized employment as a permitted welfare-to-work activity distinct from other forms of subsidized employment, implementing a more comprehensive appraisal and early engagement process for welfare-to-work participation, and adopting the Family Stabilization Program to assist clients in crisis.

In addition, the proposed regulations will make other technical, conforming changes, such as adding and renumbering of sections and amending cross references as necessary.

This regulatory action will establish programs and flexibility within the 24-month time period during which recipients can participate in any welfare-to-work activity they need, consistent with their assessments, to help them move to self-supporting employment. These regulations are intended to provide employment and training services to the maximum possible number of the CalWORKs population to aid them in achieving economic self-sufficiency. This regulatory action does not make changes to regulations involving worker safety or the state's environment.

The Department considered other possible related regulations in this area, and we find that these are the only regulations dealing in this subject area (CalWORKs welfare-to-work employment and training services), and therefore, the Department finds that these proposed regulations are compatible and consistent with the intent of the Legislature in adopting AB 74, as well as with existing state regulations.

#### COST ESTIMATE

1. Costs or Savings to State Agencies: The funding was budgeted at approximately \$0.4 million in the 2015-16 Governor's Budget, under the Expanded Subsidized Employment, Family Stabilization, and Standardized Appraisal Tool premises.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500 - 17630: None
3. Nondiscretionary Costs or Savings to Local Agencies: There is no impact to the county share of cost for affected programs.
4. Federal Funding to State Agencies: The funding was budgeted at the cost of approximately \$140.9 million in the 2015-16 Governor's Budget, under the Expanded Subsidized Employment, Family Stabilization, and Standardized Appraisal Tool premises.

#### LOCAL MANDATE STATEMENT

These proposed CalWORKs regulations do impose a mandate upon local agencies but not on school districts. The mandate is not required to be reimbursed pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code or Section 6 of Article XIII B of the California Constitution because implementation of the regulations will, if anything, result in negligible savings.

#### AUTHORITY AND REFERENCE CITATIONS

The CDSS adopts these regulations under the authority granted in Sections 10553, 10554 and 10604 of the Welfare and Institutions Code. Subject regulations implement and make specific Sections 11320.1, 11322.63, 11322.64, 11322.85, 11323.25, 11325.2, 11325.21, 11325.22, 11325.24 and 11325.5, Welfare and Institutions Code.